

SERVICE DATE - JULY 29, 2003

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-439 (Sub-No. 1X)

DALLAS AREA RAPID TRANSIT-ABANDONMENT EXEMPTION-IN DALLAS COUNTY,
TX¹

Decided: July 28, 2003

Dallas Area Rapid Transit (DART), The Kansas City Southern Railway Company (KCS), and Dallas, Garland and Northeastern Railroad Company (DGNO) jointly filed a notice of exemption under 49 CFR 1152 Subpart F-Exempt Abandonments and Discontinuances of Service and Trackage Rights for DART to abandon and KCS and DGNO to discontinue trackage rights over approximately 11.45 miles of railroad between approximately milepost 45.5 at Westmoreland Road and approximately milepost 56.95 at Tenison, in Dallas, Dallas County, TX. Notice of the exemption was served and published in the Federal Register on June 30, 2003 (68 FR 38752). The exemption is scheduled to become effective on July 30, 2003.

The Board's Section of Environmental Analysis (SEA) issued an environmental assessment (EA) in this proceeding which was served on July 3, 2003. In the EA, SEA stated that there is one structure on the line, a railroad trestle crossing the Trinity River, that is 50 years old or older. SEA indicated that the trestle is already subject to a section 106 Memorandum of Agreement (MOA) among the Urban Mass Transit Administration (FTA), the Texas Historical Commission (THC), and the Advisory Council on Historic Preservation that was reached in connection with the construction of DART's South Oak Cliff Light Rail Transit Project. SEA further noted THC's statement, in a letter dated April 14, 2003, that DART has not yet fulfilled its obligations under the revised MOA for the South Oak Cliff Corridor Project, and that abandonment of the trestle absent the mitigation stipulated in the MOA would breach THC's "no adverse effect" agreement with DART and FTA regarding the trestle. Under these circumstances, THC recommended that DART retain the segment proposed for abandonment unaltered until completion of the stipulations of the MOA. Accordingly, SEA

¹ While the notice embraced the proposed discontinuances in STB Docket No. AB-103 (Sub-No. 16X), The Kansas City Southern Railway Company-Discontinuance of Trackage Rights Exemption-in Dallas County, TX, and STB Docket No. AB-585X, Dallas, Garland and Northeastern Railroad Company-Discontinuance of Trackage Rights Exemption-in Dallas County, TX, the environmental conditions in this decision will be imposed only on the proposed abandonment.

recommends a condition requiring DART to retain the line segment unaltered until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.

Finally, SEA stated that the National Geodetic Survey (NGS) has identified two geodetic station markers (H 395 and G 395) that may be affected by the proposed abandonment. NGS requested that it be notified not less than 90 days in advance of any activities that may disturb or destroy these markers in order to plan for their relocation. Accordingly, SEA recommends a condition requiring DART to consult with NGS and provide NGS with 90 days' notice prior to disturbing or destroying the two identified geodetic station markers prior to salvage activities in order to plan for their relocation.

The recommended conditions will be imposed. As conditioned, this decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, the exemption of the abandonment of the line described above is subject to the conditions that DART: (1) retain the line segment unaltered until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f; and (2) consult with NGS and provide NGS with 90 days' notice prior to disturbing or destroying the two identified geodetic station markers (H 395 and G 395) prior to salvage activities in order to plan for their relocation.
3. This decision is effective on its service date.

By the Board, Joseph H. Dettmar, Acting Director, Office of Proceedings.

Vernon A. Williams
Secretary